

James Dal Bon
CA 157942
Law Offices of James Dal Bon
28 North 1st Street Suite 210
San Jose, CA 95113
(408)297-4729

Attorney for Plaintiff

William Devine Esq
CA 147914
535 Middlefield Road Suite 140
Menlo Park, CA 94025
(650)328-2400

Attorney for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Juan Carlos Hernandez,
Plaintiff,

vs.

Emerald Market LLC, Jack Aho, and Does
1-10,

Defendants

Case No.: C 07 – 06049-JF

JOINT CASE MANAGEMENT
CONFERENCE STATEMENT AND
STIPULATION AND ~~(PROPOSED)~~
ORDER SELECTING ADR PROCESS

STATEMENT OF FACTS

1. Defendants employed Plaintiff at Defendants' Redwood City grocery store
between March 2007 and October 2007.

2. Plaintiff's employment at Defendants' market ended in early October 2007.

3. Plaintiff subsequently filed a complaint in this Court alleging that Defendants failed to pay Plaintiff overtime wages owed to Plaintiff by Defendants. Plaintiff's complaint seeks payment of overtime wages owed under applicable state and federal laws, along with associated penalties, interest, fees and costs.

4. Defendants deny that Defendants owe Plaintiff any overtime wages, alleging that Plaintiff was a salaried employee and thus exempt under applicable state and federal laws from payment of overtime wages.

5. Counsel for Plaintiff and counsel for Defendants have met and conferred regarding possible ADR procedures. On behalf of their clients, they have agreed, subject to the Court's approval, to (a) submit this dispute to private mediation before the Hon. Laurence D. Kay (Ret.) of ADR Services, Inc., in San Francisco, California, on or before May 16, 2008, and (b) postpone to Friday, May 23, 2008 the Initial Case Management Conference in this matter that is currently scheduled for March 28, 2008.

WHEREFORE, Plaintiff and Defendants respectfully request that the Court --

1. Postpone to Friday, May 23, 2008, the Initial Case Management Conference in this matter that is currently scheduled for March 28, 2008.

2. Order the parties to submit this dispute to private mediation before the Hon. Laurence D. Kay (Ret.) of ADR Services, Inc., in San Francisco, California, on or before May 16, 2008.

3. Make such further orders that it deems proper.

1 Dated: 3/24/08

s/jdb

2 JAMES DAL BON,
3 Attorney for Plaintiff
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5
6 Dated: 3/24/08

s/wd

7 WILLIAM F. DEVINE, Jr.,
8 Attorney for Defendants
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11
12 (PROPOSED) ORDER
13


14 PURSUANT TO THE STIPULATION set forth above, the Court orders that —

15 1. The Initial Case Management Conference in the captioned matter, currently
16 scheduled for March 28, 2008, is hereby postponed to Friday, May 23, 2008.

17 2. The parties shall submit the dispute in the captioned matter to private mediation
18 before the Hon. Laurence D. Kay (Ret.) of ADR Services, Inc., in San Francisco, California, on
19 or before May 16, 2008.
20

21 IT IS SO ORDERED.

22
23 Dated: 3/25/08


24 UNITED STATES DISTRICT JUDGE
Jeremy Fogel
25 HONORABLE JUDGE JEREMY FOGEL